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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,911	12/29/2003	Dae Deug Park	11037-183-999	6794
24341	7590	12/09/2004	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306				LUONG, VINH
ART UNIT		PAPER NUMBER		
		3682		

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/747,911	PARK, DAE DEUG <i>E</i>
	Examiner	Art Unit
	Vinh T Luong	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.



Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/04, 12/29/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of the implied phrase "according to the present invention." Correction is required. See MPEP § 608.01(b).

3. The drawings are objected to because each part of the invention such as the hook portion and the impact portion in claim 2, and the slot in paragraph [0021] of the specification should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) must be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: each part of the invention such as the hook portion and the impact portion in claim 2, and the slot in paragraph [0021] of the specification should be designated by a referential numeral or character. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether a confusing variety of terms such as "a pad" and "a foot pad" in claim 4, which is dependent upon claims 3 and 2, refer to the same or different things. See MPEP §§ 608.01(o) and 2173.05(o).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 7, and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Claude et al. (WO 03/045750 A1 cited by Applicant).

Regarding claim 1, Claude teaches a pedal apparatus for a vehicle, comprising:

a supporting bracket 8 fixed to a dash panel (not shown) of the vehicle;

a pedal arm 2 pivotally connected to the supporting bracket 8; and a lever 12 hooked at one end 15 (Fig. 3) to the pedal arm 2, said lever 12 being configured and dimensioned to be struck by a striking portion 19 under deformation by a front impact of the vehicle causing the pedal arm 2 to rotate in a direction of the front of the vehicle by torque transferred from the lever 12.

Regarding claim 7, Claude teaches a pedal apparatus for a vehicle, comprising a pedal arm 2 configured to be pivotably mounted (at 6 in Figs. 1-3) to a dash panel (not shown) with an upper end above the pivot 6 and a lower, foot operated end 11 below the pivot 6; a lever 12 pivotably mounted to the dash panel, with a first end 15 engaging the upper end 6 of the pedal arm 2 and a second impact end 18 extending opposite the first end 15; and a striking member 19 disposed opposite the impact end 18 of the lever 12 such that deformation of the dash panel in response to a collision causes the striking member 19 to strike the impact end 18 of the lever 12 which pivots such that the first end 15 pulls the pedal arm 2 to a retracted position (Fig. 3).

Regarding claim 8, the pedal arm 2 and lever 12 are pivotably mounted to a bracket 8 securable to the dash panel (not shown).

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-3, 7, 8, and claims 4-6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gaetano et al. (EP 0 827 885 A1).

Regarding claim 1, Gaetano teaches a pedal apparatus for a vehicle, comprising:

a supporting bracket 16 (Fig. 2) fixed to a dash panel 17 of the vehicle;
a pedal arm 10, 20 pivotally connected to the supporting bracket 16; and
a lever 30 hooked at one end 31 (Fig. 2) to the pedal arm 10, 20, said lever 30
being configured and dimensioned to be struck by a striking portion 40 under deformation by a
front impact of the vehicle causing the pedal arm 10, 20 to rotate in a direction of the front of the
vehicle by torque transferred from the lever 30.

Regarding claim 2, the pedal arm 10, 20 has a first pin 15 pivotally connected to the
supporting bracket 16 (Fig. 3) and a second pin 21 at an end of the pedal arm 10, 20 opposite to
an end with a foot pad (not shown); and the lever 30 has a third pin 33 pivotally connected to the
supporting bracket 16 (id., col. 2, lines 46-55), a hook portion 31 hooked to the second pin 21 of
the pedal arm 10, 20, and an impact portion 34 opposite to the striking portion 40.

Regarding claim 3, the striking portion 40 is defined as a mounting plate for a steering
wheel.

Regarding claim 4, the impact portion 34 rotates about the third pin 33 in the direction of
the front of the vehicle such that the hook portion 31 rotates about the third pin 33 in a direction
of the rear of the vehicle, and wherein the second pin 21 hooked by the hook portion 31 rotates
about the first pin 15 in the direction of the rear of the vehicle such that the end of the pedal arm
10, 20 adhering a pad (not shown) rotates about the first pin 15 in a direction of the front of the
vehicle.

Regarding claim 5, the pedal apparatus is a brake pedal apparatus (id., col. 1, lines 5-8).

Regarding claim 6, the pedal apparatus is capable of being a clutch pedal apparatus.

Regarding claim 7, Gaetano teaches a pedal apparatus for a vehicle, comprising a pedal arm 10, 20 configured to be pivotably mounted to a dash panel 17 with an upper end above the pivot 15 or 11 and a lower, foot operated end below the pivot 15 or 11; a lever 30 pivotably mounted to the dash panel 17, with a first end 31 engaging the upper end 21 of the pedal arm 10, 20 and a second impact end 34 extending opposite the first end 31; and a striking member 40 disposed opposite the impact end 34 of the lever 30 such that deformation of the dash panel 17 in response to a collision causes the striking member 40 to strike the impact end 34 of the lever 30 which pivots such that the first end 31 pulls the pedal arm 10, 20 to a retracted position (Fig. 1).

Regarding claim 8, the pedal arm 10, 20 and lever 30 are pivotably mounted to a bracket 16 securable to the dash panel 17. Id., col. 2, line 31 through col. 3, line 47, and claims 1-5.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kato (lever 30), Cordero (striking portion 19, 3), and Franck et al. (lever 91).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 703-308-3221. The examiner can normally be reached on Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

December 6, 2004



Vinh T. Luong
Primary Examiner